



James M. Jeffords Center's
Vermont Legislative Research Service



Independent Expenditures in the Final Week of the 2010 Vermont Election

Campaign finance regulations are a point of contention as lawmakers work to balance First Amendment rights of individuals against ensuring fair and equal elections.¹ One of the more recent contentious aspects of campaign finance law is independent expenditures. Expenditures are considered independent when they are not controlled, directed, or approved by a candidate's campaign.² Independent expenditures can pay for campaign advertising, either to promote or attack a candidate as long as the candidate involved is not consulted concerning the specific message. Under current election law a party committee, corporation, union, or individual is allowed to spend unlimited amounts to independently support candidates.³

Two types of independent groups that make independent expenditures are 527s and 501(c)s.⁴ 527 organizations can raise unlimited money from individuals for voter mobilization and for issues advocacy, except they cannot do so to influence the outcome of a federal election.

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had profound and measurable effects on campaigns. First, they have sought to avoid campaign finance limits and in the process exert a negative influence on elections. Furthermore, as Professor of Political Science Anthony Corbo and 501(c)s independent spending is used to disseminate "what are often false, distracting, and dubious messages of the election."

⁶ This is due to the anonymity of such groups (because of the lax reporting requirements and the tendency of

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¹ See Jeffrey M. Berry, "Money Rules: Financing Elections in America," *Journal of Democracy*, vol. 27, no. 6, (2006), p. 54.
² See Jeffrey M. Berry, "Money Rules: Financing Elections in America," *Journal of Democracy*, vol. 27, no. 6, (2006), p. 54.
³ See Jeffrey M. Berry, "Money Rules: Financing Elections in America," *Journal of Democracy*, vol. 27, no. 6, (2006), p. 54.
⁴ See Jeffrey M. Berry, "Money Rules: Financing Elections in America," *Journal of Democracy*, vol. 27, no. 6, (2006), p. 54.
⁵ See Jeffrey M. Berry, "Money Rules: Financing Elections in America," *Journal of Democracy*, vol. 27, no. 6, (2006), p. 54.
⁶ See Jeffrey M. Berry, "Money Rules: Financing Elections in America," *Journal of Democracy*, vol. 27, no. 6, (2006), p. 54.

Table 1 presents all independent mass media expenditures for the 2010 election cycle between October 25 and Election Day. All separate filings done by independent committees were aggregated. The table is organized by committee and shows: the candidate supported, the purpose of the expenditure, the party of the candidate(s) supported, the office sought by candidate(s) supported, and the total amount spent.

Table 1: Vermont Independent Mass Media Expenditures, October 25 to November 2

Committee Name	Candidate(s) on whose behalf expenditure was made	Purpose	Party	Office Sought	Total
Addison County Democratic Comm.	Peter Shumlin	Radio ads	Dem	Gov	
Caledonia County Republican Election Committee	Janice Peaslee	Direct mail	Rep	VT Rep	
Democratic Governors Association	Peter Shumlin	Media buy, direct mail, TV commercials	Dem	Gov	
Green Mountain Prosperity PAC	Brian Dubie	TV buy, commissions, media buy, radio			

Figure 1 shows the total amount of independent media expenditures by office for the last week of the election campaign. As shown, the majority of expenditures were made in support or opposition to gubernatorial candidates. The race for Governor commanded 95% of the \$1,756,603 total independent expenditures for the time period covered. The remaining \$102,473 of expenditures occurred on behalf of candidates for the offices of Secretary of State, Vermont House and Senate, and the US Senate. Eighty three percent of the total expenditures made in Vermont senate races can be attributed to the Vermont Senate Victory PAC. This PAC's reported media expenditures were focused exclusively on senator candidates in Chittenden County. Spending made on the behalf of the House was moreThisHouse.c1.7550Td(the)Tj2250Td(This)Tj2_0fn

commanded 49.6% of the vote, 119,543 votes, and Dubie received 47.8%, 115, 212 votes.¹² Overall, Dubie's campaign raised a total of \$1,578,060, while Shumlin's campaign raised a total of \$1,485,331; a difference of \$92,729 in the favor of Dubie.

Prepared by Adam Roof, Christopher Teel, and Kelly Walsh in response to a request from Senator Jeanette White, under the supervision of graduate student Kate Fournier and Professor Anthony Gierzynski on April 26, 2011.

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Disclaimer: This report has been compiled by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the report does not reflect the official policy of the University of Vermont.